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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,105	01/26/2001	Dennis R. Wiese	5898-000159	7712

7590 08/26/2002  
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EXAMINER

HINZE, LEO T

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 08/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/771,105

Applicant(s)

WIESE, DENNIS R.

Examiner

Leo T. Hinze

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2854

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-10 and 14-19, drawn to a printing method and apparatus, classified in class 101, subclass 147.
  - II. Claims 11-13, drawn to a method of printing on calendered paper, classified in class 101, subclass 485.

2. The inventions are distinct, each from the other because:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as use in methods and apparatuses other than those associated with lithographic printing on calendered paper. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, their recognized divergent subject matter, and that the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Anna M. Budde, Re. No. 35085 on August 8, 2002 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-10 and 14-19. Affirmation of this election must be made by applicant in replying to this Office

Art Unit: 2854

action. Claims 11-13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 76-78 and 176-178. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claim 16 is objected to because of the following informalities: The language of the claim is confusing. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 includes the step of increasing the rate of delivery of the tack-reducing solvent. Applicant fails to disclose the purpose or utility of increasing the rate of delivery of the tack-reducing solvent.

Art Unit: 2854

Claim 7 is a dependent claim which refers to itself. It is not clear which independent claim is referred to.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 8, 9, 14-16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rebel, et al., USPN 4,480,548.

With respect to claim 1, Rebel teaches a method comprising a printing unit with adjacent, rotating rollers, and delivering tack-reducing solvent at a pre-determined rate to the non-print areas of said rollers, wherein the tack-reducing solvent is transferred to the non-print areas of successive adjacent ink rollers. The apparatus of Rebel is able to apply the tack-reducing solvent to the non-print areas of one or many rollers simultaneously, and since the rollers are in contact, transfer of the tack-reducing solvent from a roller to successive rollers is inherent.

With respect to claim 8, Rebel teaches the use of water as a solvent.

With respect to claim 9, Rebel teaches a sheetfed printing method.

With respect to claim 14, Rebel teaches an apparatus for applying a solvent to the non-print areas of at least one roller, to prevent the drying of varnish during printing.

Art Unit: 2854

With respect to claim 15, Rebel teaches a supply line (14) to move the solvent to the non-print areas of the at least one ink roller, and nozzles (8) on the ends of liquid-supplying means (2).

With respect to claim 16, Rebel teaches a reservoir (10) to contain the solvent.

With respect to claim 19, Rebel teaches at least two spaced liquid-supplying means (2) in the roller side zones that can be actuated individually or jointly.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 6, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebel in view of Switall, USPN 3,508,711.

Rebel teaches all that is claimed as discussed above, except the use of a pump for pumping solvent from the reservoir.

Switall teaches a fluid dispensing system for spraying liquid onto the rollers of a web offset printing press, comprising a pump (36) for pumping the solvent from the reservoir.

With respect to claim 2, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the method of Rebel with the pump described by

Art Unit: 2854

Switall. A means of applying pressure to the solvent to force it from the reservoir through the supply line to the apertures is needed. Pumping is one of a variety of well known methods of applying pressure to a fluid.

With respect to claim 6, Rebel teaches a supply line (14) to move the solvent to the non-print areas of the at least one ink roller, and nozzles (8) on the ends of liquid-supplying means (2).

With respect to claim 17, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Rebel by adding the pump of Switall. A means of applying pressure to the solvent to force it from the reservoir through the supply line to the apertures is needed. Pumping is one of a variety of well known methods of applying pressure to a fluid.

With respect to claim 18, Rebel teaches a control facility (9) to adjust the rate of liquid delivery.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rebel in view of Huebner, USPN 3,139,028.

Rebel teaches all that is disclosed as discussed above, except for varying the rate of solvent pumping according to the printing rate.

Huebner teaches a misting apparatus for treating printing plates wherein supply of mist is varied in accordance with the speed at which the press is operated.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Rebel by varying the solvent pumping rate according to the press rate as

Art Unit: 2854

in Huebner. The apparatus of Rebel already has a control facility, and it is inherent that there must be some rate of solvent application. Relating the rate to and varying the rate with the speed of the press would allow the solvent application rate to match the varnish application rate, as the amount of varnish would also vary with the rate of the press. Correlating the two rates would ensure that the proper amount of solvent is applied for the amount of varnish present.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rebel in view of Switall as applied to claim 2 above, and further in view of MacPhee, USPN 5,713,282.

Rebel and Switall together teach all that is claimed as discussed above, except the use of a sensor that signals when to add more tack-reducing solvent to the reservoir.

MacPhee teaches a fountain solution supply system for supplying dampening fluid to a lithographic press dampening system that uses a sensor for detecting the presence of dampening fluid in the dampening fluid reservoir.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Rebel to include the reservoir sensor of MacPhee. Adding a sensor to the reservoir would make the process more efficient, by allowing the process to run unattended, yet ensuring that the operator was notified at the proper time to add more solvent. This would insure that the solvent is always available, and eliminate the possibility of low solvent levels, or even a completely depleted solvent reservoir.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rebel in view of Burke, et al., US Pub. No. 2002/0062754 A1.



Art Unit: 2854

Rebel teaches all that is claimed, except for replacing the paper with a narrower paper. Rebel also teaches regulating the flow of solvent and a liquid-supplying means which delivers a variable supply of solvent.

Burke teaches printing different web widths on an offset printing press, including printing on webs narrower than the maximum width the press can print.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Rebel to print on narrower paper. While the rollers of a printing press are a fixed size, printing on paper narrower than the maximum roller width would make overall printing operations more economical, by allowing one press to print a variety of widths, instead of requiring a separate press for each different paper width.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rebel in view of De Concini, et al., USPN 5,413,041.

Rebel teaches all that is claimed as discussed above, except for printing on super calendered paper.

De Concini teaches a high speed web-fed flexographic printer used to print calendered or glazed paper.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Rebel to used calendered paper. Calendered paper is one type of paper suitable for printed material, and one which exhibits specific qualities, such as strength and finish, that can produce good quality printing.

Art Unit: 2854

***Conclusion***

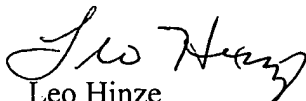
16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Ehlers, et al., USPN 4,384,522, teaches a printing apparatus that can be used with dry offset, wet offset (lithographic), flexographic, and rotogravure techniques.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (703) 305-3339. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0952.



Leo Hinze  
Examiner  
AU 2854  
August 20, 2002



REN YAN  
PRIMARY EXAMINER